

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD TAYLOR,

Plaintiff,

v.

JO ANNE BARNHART, Commissioner of
Social Security,

Defendant.

Case No. C04-5898FDB

REPORT AND
RECOMMENDATION TO
DISMISS COMPLAINT
WITHOUT PREJUDICE

Noted for August 26, 2005

This case has been referred to Magistrate Judge J. Kelley Arnold pursuant to 28 U.S.C. § 636(b)(1)(B). This matter comes before the court upon plaintiff's motion to voluntarily dismiss his complaint (Doc. 15). After reviewing plaintiff's motion, the undersigned recommends that the court GRANT the motion and dismiss this matter without prejudice.

Here, plaintiff seeks to dismiss his complaint against defendant voluntarily. Defendant has already answered the complaint, however, she has no objection to the motion and stipulates to the request for dismissal.

Accordingly, plaintiff's request should be GRANTED. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **August 26, 2005**, as noted in the caption.

Dated this 25th day of July, 2005

/s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge